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NORTH CENTRAL DIVISION

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
NORTH CENTRAL DIVISION

PROCEDURE FOR THE NOTIFICATION OF FARM ACREAGE ALLOTMENTS, YIELDS, AND PRODUCTIVITY INDEXES, AND THE CONSIDERATION OF APPEALS IN CONNECTION WITH THE 1939 AGRICULTURAL CONSERVATION PROGRAM

PART I.—PROCEDURE FOR THE NOTIFICATION OF FARM ACREAGE ALLOTMENTS, YIELDS, AND PRODUCTIVITY INDEXES

Producers shall be notified of acreage allotments, yields, productivity index, and goal for the farm on NCR-312, "Notification of Farm Acreage Allotments, Normal Yields, and Productivity Indexes." The original of NCR-312 and a sufficient number of carbon copies thereof shall be prepared so that one notice may be forwarded to each person who has an interest in the crops on the farm and one retained in the county office. Forward the original of NCR-312 to the owner of the farm, a copy to each other person who will have an interest in the crops on the farm in 1939, and file one copy in the file for the farm.

The wheat acreage allotment, if any, will be included on NCR-312, although notice of such allotment may previously have been furnished. Any restoration land goal or commercial vegetable acreage allotment will be entered in the blank line provided therefor.

Care should be taken to see that the date entered in the appropriate space is the date when such NCR-312 will be mailed and that the information entered on the Form NCR-312 agrees with the data on the listing sheets.

PART II.—PROCEDURE FOR HANDLING APPEALS

Nature of appeals.—Any person who has an interest in a farm as owner, operator, or sharecropper may appeal from any recommendation or determination of the county committee made with respect to such farm affecting his eligibility to file an application for payment, any farm acreage allotment, normal yield, productivity index, soil-building goal or restoration land goal established for the farm, the division of payments, or any other matter affecting the right to or the amount of his payment with respect to such farm. If the appellant is dissatisfied with the decision of the county committee with respect to his appeal he may appeal to the State committee. If the appellant is dissatisfied with the decision of the State committee he may request the Director of the North Central Division to review the decision of the State committee.

Manner of making appeals.—No appeal shall be considered unless it is made in writing and is signed by the person making the appeal or his authorized agent. Appeals to the county committee must be filed within 15 days after the date the "Notification of 1939

Farm Acreage Allotments, Normal Yields, and Productivity Indexes" is issued to the appellant by the county committee. Any appeal from the decision of the county committee must be made to the State committee within 15 days after notice of its decision is issued by the county committee. Any requests for review from the decision of the State committee must be made to the Director of the North Central Division within 15 days after the decision of the State committee has been issued to the appellant.

Each person who has filed an appeal with the county committee shall be notified by the county committee in writing of the time, date, and place for the consideration of his appeal, in order that he may have an opportunity to be present and be heard during the consideration of his appeal. All appeals shall be considered by the county committee in the county office or at some other appropriate place in the county designated by the county committee.

Section I.—Appeals in Connection With Any Soil-Depleting Acreage Allotment, Productivity Index, Yields, or Restoration Land Goals

Consideration of appeals by county committee.—Original data for all farms for which an appeal was filed will be relisted on applicable Forms NCR-309, NCR-309a, NCR-309b, NCR-309c, NCR-309d, and NCR-309e, leaving the first and alternate lines blank. Such listing sheets will be marked "Appeal Cases." Entries for farms for which acreage allotments, productivity indexes, or yields are revised will be corrected by striking through the affected entries on the "Appeal" listing sheet and entering the correct entry in the line above such stricken entry.

Determinations, with respect to appeals, shall be made on the basis of individual merit and without regard to any county limits issued to the county. In considering appeals with respect to soil-depleting acreage allotments, restoration land goals, yields, and productivity indexes, the county committee shall retrace the steps set forth in NCR-310 and related instructions with respect to the establishment of such allotments, goals, yields, and productivity indexes, in connection with each case.

When the investigation of an appellant's claim includes a visit to the farm, the person representing the county committee will make a reasonable attempt to interview the appellant.

The county committee will approve appeals only in those cases where the examination of the data shows error in:

1. Data used;
2. Committee determinations as provided in the procedure as outlined in NCR-310 and related instructions;
3. Application of the official procedure as outlined in NCR-310 and related instructions.

Before the appellants are notified of the decision reached by the county committee, a representative of the State committee will review such appeals with the county committee to determine that their recommendations are in accordance with the applicable procedure in NCR-310 and related instructions.

The county committee shall notify each appellant of its decision in writing within 15 days after receipt of the written appeal. Such notice shall set forth a description of the applicable procedure relat-

ing to the determination and the reasons for approval or disapproval of the appeal, and that, if the appellant is dissatisfied with the decision of the county committee, he may appeal to the State committee within 15 days. The county committee will then forward to the State office the listing sheets marked "Appeal Cases," together with their recommendations in each case and reasons therefor.

The State committee will examine the listing sheets for "Appeal Cases" and, after the time limit for the filing of appeals by appellants dissatisfied with the decision of the county committee has expired, notify the county committee in writing of its approval or disapproval of the action taken by the county committee on each appeal case except cases in which the appellant has appealed to the State committee from the decision of the county committee. After the county committee recommendations on such appeals have been passed upon by the State committee, an NCR-312 marked "revised" shall be mailed by the county committee to each appellant whose acreage allotment, yield or productivity index has been revised and such revision approved by the State committee.

Consideration of appeals by State committee and the North Central Division.—The State committee will review all cases on the appeal case listing sheet which it has disapproved and all cases submitted to it by appellants appealing from the action taken on an appeal by the county committee. When it is deemed necessary, the State committee may cause an investigation to be made with respect to the case for the purpose of obtaining additional evidence upon which to base its decision. When the investigation of an appellant's claim includes a visit to the farm, the person representing the State committee shall make a reasonable attempt to interview the appellant.

The State Committee shall notify the appellant of its decision with respect to these cases within 30 days after the receipt of the appeal. Such notice shall include a statement that the appellant has the right to appeal within 15 days to the Director of the North Central Division for further consideration. A copy of the letter from the State committee to the appellant shall be forwarded to the county committee with instructions that a newly executed NCR-312 marked "Revised," showing the official determinations with respect to all acreage allotments, restoration land goals, normal yields, and productivity indexes, shall be mailed to the appellant.

For each appeal approved or granted by the State committee with respect to any farm acreage allotment, restoration land goal, normal yield, or productivity index, the revised figures shall be entered on the original listing sheet by the State committee in the appropriate column.

If the appellant is dissatisfied with the decision of the State committee and appeals his case to the Director of the North Central Division within 15 days, the State committee shall forward upon request to the Director of the North Central Division a copy of the appeal, the written evidence submitted in connection therewith, and the reasons for the disallowance of the appeal by the county committee and the State committee. The State committee will be advised concerning the appeal after the case has been reviewed by the North Central Division.

Section II.—Appeals in Connection With Eligibility To File an Application for Payment; the Division of Payment; or, Any Other Matter Affecting the Right to or the Amount of His Payment With Respect to the Farm

Any appeal other than that in connection with data on the NCR-312 must be postmarked or filed in writing with the county committee within 15 days after notice of the determination which is being appealed is forwarded to or is made available to the appellant. Such appeals will be handled in a manner similar to that outlined herein.